

To: The Federal Communications Commission

From: Laura H. Simmons, CAE
Executive Director, Heart of America Golf Course Superintendents Association
Executive Director, Mid-America Green Industry Council

Date: August 5, 2003

Re: FCC's New Regulations Governing Unsolicited Fax Advertisements

As an association executive for two trade associations, I'd like to submit the following comments regarding the FCC's new regulations governing unsolicited fax advertisements:

Removing the "established business relationship" qualification from the fax regulations is absolutely bad for business, forcing associations and other companies to obtain the written consent of their own members, clients and industry partners before transmitting any fax that could be interpreted as commercial in nature. Associations are built on relationships and our communities of individuals or companies with common interests, trades or professions. The very nature of associations is based on established relationships. The removal of this qualification would be detrimental to the survival of associations.

The association community has already raised numerous concerns about the new regulations that remain a subject of speculation, including exactly which transmissions the FCC would interpret as commercial in nature. Before these new regulations are enacted, it is imperative that they be clarified, particularly in the area of non-profit and not-for-profit entities.

Other points that need to be considered before these new rules go into effect are whether or not written consent to a national association would extend to chapter or affiliate faxes; and whether or not a written consent form would expire with membership. Even though a membership may expire, the individual or company becomes a prospective member, thereby maintaining a relationship to the industry that the association serves.

Why should you care about the well being of the association community? There are over 135,000 associations in the U.S. that serve a wide variety of professions, trades, hobbies, industries and causes. As new professions arise, new associations form to represent member interests not only in the public policy arena, but also in developing important professional standards. Associations are an important part of the U.S. economy, as they employ more than 300,000 people, and the direct spending on conventions and travel by these associations support 1.57 million full-time equivalent jobs in the U.S. alone. Associations not only serve their members, but society at large, by providing industry research not found elsewhere. Associations are also the major source for originating safety standards and codes of ethics for every major profession and industry. Since associations play such an important role in our society and our economy, it is important that the viability of these organizations remains stable.

It is imperative that a stay on these regulations is enacted. These regulations are detrimental to the entire association community, and should be considered carefully, and revised accordingly before they are enacted. Please consider my comments and those of my colleagues carefully before you enact these regulations.

Thank you for your consideration.